

REMARKS

The Office Action of January 28, 2008, has been considered by the Applicants. Claims 1 and 2 are pending. Reconsideration of the Application is requested.

Claims 1-2 were rejected under 35 U.S.C 102(b) as allegedly anticipated by or under 35 U.S.C. 103(a) as allegedly obvious over Ogata (JP 2002-212463) (hereinafter "JP '463"). Applicants traverse the rejection.

JP '463 is not a proper reference under § 102(b). According to the Examiner, JP '463 was published on July 31, 2002, which is prior to the instant filing date of November 4, 2003. Please note that this application is the US national stage application of PCT/JP2003/014053, which claims priority to Japanese Application No. 2002-323831, filed on November 7, 2002. A certified copy of this foreign priority application was submitted on May 3, 2005, and is present in Public PAIR. Applicants have not found any mistakes in any documents filed with the USPTO which would preclude this priority claim from being accepted. Thus, the instant application has a priority date of November 7, 2002. As JP '463 was not published more than one year prior to this priority date, the requirements of § 102(b) are not met.

Applicants request withdrawal of the § 102(b) rejection based on JP '463.

CONCLUSION

For the above reasons, all pending claims (1 and 2) are in condition for allowance. Withdrawal of the rejections and issuance of a Notice of Allowance is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he is hereby authorized to call Jay F. Moldovanyi, at telephone number 216-861-5582, Cleveland, OH.

It is believed that no fee is due in conjunction with this response. If, however, it is determined that fees are due, authorization is hereby given for deduction of those fees, other than the issue fees, from Deposit Account No. 06-0308.

Respectfully submitted,


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April 11, 2008

Date

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being	
<input type="checkbox"/>	deposited with the United States Postal Service as First Class Mail, addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
<input checked="" type="checkbox"/>	transmitted to the USPTO by electronic transmission via EFS-Web on the date indicated below.
	Signature: 
Date: April 11, 2008	Name: Lynda S. Kalembe

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